IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 7570 of 2005

Between:

J. Ganesh, S/o. Appa Rao, Forest Range Officer (on deputation to P and E Range), Parvathipuram, Vizianagaram District, (Under Orders of Suspension).

..... PETITIONER

AND

1 The Government of A.P., represented by its Secretary, Environment, Forest, Science
and Technology Department, Secretariat, Hyderabad.
2 The Principal Chief Conservator of Forests, Government of Andhra Pradesh, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or orders more particularly one in the nature of Writ of Mandamus calling for the records of the 2nd respondent pertaining to Proc. Ref. No. 17852/2002/P4, dt. 30.7.2002 and set aside the same and further direct the respondents to reinstate the petitioner into service.

Counsel for the Petitioner: MR.P.V.SUBRAHMANYA SARMA

Counsel for the Respondents: GP FOR SERVICES I

The Court made the following:

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ORAL ORDER: (per GB. J.)

The Writ Petition is filed assailing the order passed by A.P. Administrative Tribunal (for short Tribunal) in O.A.No.5155 of 2004, 14.9.2004.

2. The petitioner is the applicant before the Tribunal. He challenged the order of suspension dated 30.7.2002. The Tribunal passed the interim orders directing the authorities to review the matter. Against the said order, the present Writ Petition has been filed.

3. The learned counsel for the petitioner submits that the ACB authorities after conducting the enquiry, finally issued a show cause notice to the petitioner, to which the petitioner had also submitted explanation. In such a situation nothing remains to be considered by the authorities and the authorities ought to have reinstated the petitioner into service and the Tribunal ought to have passed appropriate orders in this regard.

4. On the other hand the learned Government Pleader for Services-I submits that the review was undertaken by the authorities and it was decided to continue the petitioner under suspension by an order dated 16.4.2005. He also stated that the petitioner had already submitted explanation to the final show cause notice issued by the ACB authorities.

5. In view of the above submissions, it is essential that the ACB authorities are required to take a decision one way or the other either to proceed with the case or to drop the charges against the petitioner. Unless such a decision is taken, the competent authority will not be in a position to review the suspension order in accordance with the Rules.

6. Under these circumstances, the Writ Petition is disposed of directing the ACB authorities to take appropriate decision on the explanation submitted by the petitioner on 9.2.2005, which was also received by the ACB authorities on the same day, within a period of two (02) months from the date of receipt of a copy of this order. Depending on the decision of the ACB authorities, the respondents are directed to take further action in the matter. It is however

made clear that if no decision is taken within the time stipulated, the order of suspension stands revoked. A copy of this order shall be transmitted to the Director General, Anti Corruption Bureau, Hyderabad. No costs.

(G.BIKSHAPATHY, J.)

26th April, 2005.

(P.S.NARAYANA, J.)

SSR

To

1 The Secretary, Environment, Forest, Science and Technology Department, Government of A.P., Secretariat, Hyderabad.
2 The Principal Chief Conservator of Forests, Government of Andhra Pradesh, Hyderabad.

3 The Director General, Anti Corruption Bureau, Hyderabad.

4 The Registrar, A.P. Administrative Tribunal, Hyderabad.

5 2 CCs to G.P. for Services-I, High Court of A.P. Hyderabad. (OUT)

6 2 CD copies

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